

6. PUBLIC INVOLVEMENT, REVIEW, AND CONSULTATION

6.1. STUDY HISTORY AND PUBLIC INVOLVEMENT PROGRAM

A notice of study initiation for replacement of the Bayou Sorrel lock was mailed to all known interested parties in December 1995. A notice of intent to prepare a draft EIS for the Intracoastal Waterway Locks feasibility study was published in the Federal Register on January 29, 1997. The description of the study, as contained in the Federal Register notice, referred only to the Bayou Sorrel lock. At the time of the notice, the study was referred to as the Intracoastal Waterway Locks study since previous reports and authorities included locks on the GIWW other than Bayou Sorrel. Since Bayou Sorrel was found to be most in the need of improvements, the feasibility study was focused only on the Bayou Sorrel lock and was renamed. A public scoping meeting was held in the meeting hall of St. Catherine LaBouré Catholic Church in the community of Bayou Sorrel on May 6, 1997. Notices of the meeting were posted at various retail outlets in the area and mailed to interested parties. Eleven people attended the meeting. Attendees made the following comments at the public meeting:

- Little notification was given for the scoping meeting. A notice in the Post South newspaper would have reached most people in Bayou Sorrel.
- Bigger tows carrying hazardous chemicals would use the new lock.
- The Bayou Sorrel bridge has been damaged on several occasions by barge tows. Some of the protection pilings have not been replaced. When the bridge is out of service, there's no way to cross the waterway by vehicle.
- Private property is being lost along the banks of the channel from erosion.
- A bridge curfew is in effect on school days. The bridge does not open for vessels to pass from 6:00 to 8:30 a.m. and 3:00 to 4:30 p.m.
- There would be more frequent bridge openings with a new lock.
- There would be more traffic (either vessels or vehicles) during lock construction.
- Will the new lock require the relocation of residents or businesses?
- The old lock site could be used for a pump station to pump water into the basin (Atchafalaya Basin Floodway). High water outside of the Atchafalaya Basin Floodway is often a problem in Bayou Sorrel.
- The location of the new lock should be about 3 miles north of Bayou Sorrel.

- Use borrow pits outside of the basin for disposal of dredged material.
- A concrete lock should be built instead of an earthen chamber lock. An earthen chamber is cheaper, but a concrete lock is more efficient and has lower maintenance.

6.2. REQUIRED COORDINATION

6.2.1. The draft EIS was furnished to Federal, state, and local agencies and to other interested parties for review and comment. The USFWS provided a draft Fish and Wildlife Coordination Act Report for the draft EIS and has provided a final Coordination Act Report that is contained in the Environmental Appendix, Section 6. This final EIS, or a notice of its availability, will be distributed to all who provided comments on the draft EIS.

6.2.2. Table 10 shows the Federal laws, executive orders, and state laws that apply to this study and the status of compliance with each. All compliance has been completed for this feasibility-level stage of the project.

6.3. STATEMENT RECIPIENTS

Copies of the draft EIS or a notice of its availability were provided to U.S. Senators and Congressmen representing Louisiana; Departments of Interior, Commerce, Energy, and Housing and Urban Development; the Federal Emergency Management Administration; and the Environmental Protection Agency. Copies or notices of availability were also sent to state and local elected officials, state agencies, environmental groups, local libraries, and other interested groups and individuals. The local newspaper, The Post South, ran an article describing the project and advising the public of the public meeting on the draft EIS. A list of the persons the draft EIS was mailed to is included in the Environmental Appendix, Section 8.

6.4. PUBLIC VIEWS AND RESPONSES

Copies of the comments received on the draft EIS and feasibility report, along with the USACE's responses, are contained in the Public Meeting, Comments, and Responses Appendix. The primary concern voiced by the public was the erosion occurring along the banks of the GIWW, north of the Bayou Sorrel Lock. The only substantial difference between the tentatively selected plan of the draft report and the recommended plan of this final report is the inclusion of bank protection along the GIWW for a distance of about 1.5 miles north of the new lock. This bank protection would substantially reduce the problems being experienced by property owners along the waterway, but would not eliminate all of the problem since erosion occurs in other locations between Bayou Sorrel and the Port Allen lock.

TABLE 10
COMPLIANCE WITH ENVIRONMENTAL STATUTES

STATUTE	COMPLIANCE DOCUMENT	LOCATION	STATUS
<u>Federal</u>			
Abandoned Shipwreck Act of 1988	EIS		Full
Archeological and Historic Preservation Act of 1974	EIS		Full
Bald Eagle Act	USFWS response to request	Env. Appendix	Full
Clean Air Act, as amended	EIS, Applicability Assessment	Env. Appendix	Full
Clean Water Act of 1977, as amended	404(b)(1) evaluation	Env. Appendix	Full
Coastal Zone Management Act of 1972, as amended	Consistency Determination	Env. Appendix	Full
Endangered Species Act of 1973, as amended	USFWS response	Env. Appendix	Full
Environmental Justice (Executive Order 12898)	EIS		Full
Farmland Protection Policy Act	EIS	Env. Appendix	Full
Federal Water Project Recreation Act, as amended	EIS		Full
Fish and Wildlife Coordination Act, as amended	USFWS Coord. Act Report	Env. Appendix	Full
Floodplain Management (Executive Order 11988)	EIS		Full
Land and Water Conservation Fund Act of 1965, as amended	EIS		Full
National Environmental Policy Act of 1969, as amended	EIS		Full
National Historic Preservation Act of 1966, as amended	EIS		Full
Protection and Enhancement of the Cultural Environment, 1971 (Executive Order 11593)	EIS		Full
Protection of Wetlands (Executive Order 11990)	EIS		Full
River and Harbor and Flood Control Act of 1970	EIS		Full
Water Resources Development Acts of 1976, 1986, and 1990	EIS		Full
Wild and Scenic River Act, as amended	EIS		Full
<u>State</u>			
Clean Air Act, State Implementation Plan	Applicability Assessment	Env. Appendix	Full
Louisiana State and Local Coastal Resources Management Act of 1978	Consistency Determination	Env. Appendix	Full
Louisiana Natural and Scenic Rivers System Act	EIS		Full
Louisiana Water Control Act	EIS		Full

6.5. FISH AND WILDLIFE COORDINATION ACT

6.5.1. The USFWS has provided a final Fish and Wildlife Coordination Act (FWCA) Report, which is contained in the Environmental Appendix, Section 12. The USFWS states in their Coordination Act Report that their agency does not oppose the recommended plan, provided that certain mitigation measures are implemented in the interest of equal consideration for fish and wildlife resources. The measures recommended by the USFWS and the USACE's responses to each are as follows:

6.5.2. Recommendation #1: Maintain and restore headwater flows into Atchafalaya Basin swamps west of the disposal site to mitigate the loss of aquatic habitat functions of disturbed forested wetlands. To accomplish this, the effluent return ditch adjacent to the northern-most disposal area should be kept open to maintain the current hydrologic connection to the swamp west of that disposal site. A sediment trap should be excavated at the confluence of that ditch and the EABPL borrow canal. The sediment trap should be installed at a location that will allow yearly excavation by equipment used in refurbishing the confined disposal site dikes. Material removed from the sediment trap should be placed within the confined disposal site or on the containment levees. An additional gap should be excavated at the southern end of this same disposal site. That gap should have a general east-west orientation and should be approximately 50 feet wide (top width) and 1,300 feet long (ending at the western levees of the disposal site), and a sediment trap should be constructed at the eastern end. The channel bottom should be the same elevation as the swamp floor.

Response: Agree. The USACE acknowledges that the existing dredged material disposal areas along the west bank of the East Access Channel have interrupted overbank flows and caused areas of low oxygen conditions during certain river stages. The reforestation and management portion of the mitigation plan does not mitigate for the loss of some of the un-quantified wetland values that would occur with the recommended plan because the methodology used to evaluate the project impacts is not sensitive to the wetland function of habitats. The recommended sediment traps and water conveyance ditch would mitigate for un-quantified wetland functional impacts.

6.5.3. Recommendation #2: Minimize dredged material placement on cypress-tupelo swamps, bottomland hardwoods, and open-water habitats in the Basin to the greatest extent feasible. Unavoidable project-related impacts on wildlife resources should be fully compensated by reforestation and management of 126.3 acres of bottomland hardwoods within the Bayou Sorrel Lock area of Iberville Parish, in accordance with the plan developed jointly by the Corps and the Service.

Response: Agree. The project has been designed to minimize dredged material placement in the cypress swamps, bottomland hardwoods, and open water habitats of the Atchafalaya Basin Floodway. Further, project construction would allow for the creation of new dredged material disposal areas associated with the existing Bayou Sorrel lock, thereby reducing the need to

dispose dredged material on Basin habitats during the project life. The project mitigation plan includes reforestation and management of 126.3 acres of bottomland hardwood forest.

6.5.4. Recommendation #3: Acquire fee title to any mitigation lands not already owned in fee title by the Corps; those lands should be administered and managed in accordance with the Mitigation Plan detailed in Appendix B of this FWCA report. To ensure that the recommended mitigation values are maintained over the project life, the title for all mitigation lands should contain land-use restrictions (e.g., non-development provision). Costs for acquisition, operation and management, and monitoring of mitigation lands should be funded at project expense.

Response: Agree. The U.S. Government would own all mitigation lands in fee. The lands would be managed according to the mitigation plan as described in this EIS and the Fish and Wildlife Coordination Act report.

6.5.5. Recommendation #4: If additional disposal sites for this project are constructed within the Basin, limit those sites to 2,000 feet in length (as measured parallel to the EABPL borrow canal or GIWW). A 200-foot-gap should be left between adjacent disposal sites to allow adequate overbank flows. Expansion of existing disposal sites should also adhere to the above length and gap specifications. During initial construction of confined disposal sites, all levee borrow should be excavated from outside the borrow pit. Outside borrow ditches or effluent return ditches should include a sediment trap that can be easily excavated with the equipment used to refurbish disposal site dikes. At all disposal sites, plugs should be installed in any inside borrow ditches to facilitate maximum sediment retention in the disposal areas prior to the effluent reaching the spill boxes.

Response: Agree. There is a legitimate need to maintain adequate overbank flows into the areas west of the disposal areas. External borrow ditches would provide avenues for overbank flow to reach the areas to the west of the disposal sites. Sediment traps would serve to minimize sediment conveyance to the swamp west of the disposal sites. Disposal areas would be designed with internal plugs as necessary to maximize sediment retention.

6.5.6. Recommendation #5: To reduce the potential release of contaminants during dredging and disposal of material from north of the lock the Corps should; 1) ensure all applicable State non-point source regulations pertaining to construction sites are followed; 2) the Corps should sequence construction activities so that removal of the top 5 feet of material from open-water areas or wetlands in the tailbay, forebay, lock chamber, and mooring areas will occur first, and to preclude placement of such material in the top layers disposal site(s); 3) silt curtains should be used when dredging material from open-water areas or wetlands north of the lock; and, 4) the Corps should implement all practicable measures (e.g., internal dikes, etc.) to ensure the maximum retention of contaminants within the dredged material disposal areas.

Response: Agree. The recommendations would be followed during project construction. There would be limitations on the use of silt curtains in the deeper waters of the navigation channel, but silt curtains would be used to the extent feasible and practicable.

6.5.7. Recommendation #6: Prepare detailed design documents (e.g., design memoranda, plans and specifications, etc.) of the lock replacement and the mitigation features in consultation with the Service and the Louisiana Department of Wildlife and Fisheries. To ensure that no conflicts arise with the State of Louisiana's Master Plan for the Atchafalaya Basin, those features should also be coordinated with the Louisiana Department of Natural Resources' Atchafalaya Basin Program.

Response: Agree. Design documents and plans and specifications would be provided and the views of these agencies would be taken into consideration.

6.5.8. Recommendation #7: Implement mitigation simultaneously with other project features, to the extent feasible.

Response: Agree. However, the proposed mitigation plan can only be partially implemented during project construction. Some areas to be used for mitigation would take years to fill with dredged material and additional time would be necessary for the planted trees to grow and mature.

6.5.9. Recommendation #8: Continue to coordinate with the Service to ensure that construction activities do not impact any water bird nesting colonies or any threatened or endangered species or their critical habitat.

Response: Agree. Coordination would be maintained.

6.5.10. Recommendation #9: Include budgets for development, operation and maintenance, and monitoring of the mitigation area in future project funding estimates and requests.

Response: Agree. The mitigation plan is considered part of the project and estimated costs for development, operation and maintenance, and monitoring of the mitigation plan would be included in future budgets for the new lock operation and maintenance.